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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,855	11/05/2001	Ronald W. Fraser	GP-301724	6003

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EXAMINER
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PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/992,855	Applicant(s) FRASER ET AL.	
	Examiner TUAN A. PHAM	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. **Claims 22-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parsa et al. (U.S. Patent No.: 6,757,319, hereinafter, "Parsa") in view of Strawczynski et al. (U.S. Patent No.: 6,038,452, hereinafter, "Strawczynski").**

**Regarding claim 22**, Parsa teaches a method of adjusting a signal level of a mobile transceiver comprising (see figure 3):

determining, at the base station, a measurement of the signal level of the mobile transceiver received at the base station during the call (see col.9, ln.58-67, col.10, ln.1-8, col.11, ln.65-67, col.12, ln.1-3);

responsive to the measurement, sending a signal level instruction from the base station to the mobile transceiver (see col.9, ln.58-67, col.10, ln.1-8, col.11, ln.65-67, col.12, ln.1-3); and

adjusting the signal level of the mobile transceiver responsive to the signal level instruction (see col.9, ln.58-67, col.10, ln.1-8, col.11, ln.65-67, col.12, ln.1-3).

It should be noticed that Parsa fails to teach connecting a call between the mobile transceiver and a land-base station, wherein the call connects through a mobile communication network and a land-based calling network, and land-based station adjust the power output of the transmitter. However, Strawczynski teaches connecting a call between the mobile transceiver and a land-base station (see figure 1, mobile terminal, landline 130), wherein the call connects through a mobile communication network (see figure 1, MSC 110) and a land-based calling network (see figure 1, PSTN 130), and land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Strawczynski into view of Parsa in order to reduce the cost of base station and make the base station handle less work.

**Regarding claim 23**, after combination, Parsa further teaches generating a first modem carrier signal from the base station after the connecting of the call, and generating a second modem carrier signal from the mobile transceiver in response to the first modem carrier signal, wherein the signal level of the mobile transceiver represents the second modem carrier signal received the based station (see col.9, ln.58-67, col.10, ln.1-29), and Strawczynski further teaches land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

**Regarding claim 24**, Parsa further teaches the second modem carrier signal level is adjusted more than one time during the call (see col.9, ln.58-67, col.10, ln.9-27).

**Regarding claim 25**, after combination, Parsa further teaches the measuring of the signal level of the mobile transceiver received at the based station comprises making a single measurement at a beginning of a data communication segment of the call (see col.6, ln.47-67), and Strawczynski further teaches land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

**Regarding claim 26**, Parsa further teaches the measuring comprises making a plurality of measurements throughout a communication session (see col.9, ln.58-67).

**Regarding claim 27**, Strawczynski further teaches a data mode and voice mode, wherein the mobile transceiver switches between the data mode and the voice mode during the call (col.5, ln.47-63, col.6, ln.49-67).

**Regarding claim 28**, Parsa further teaches the modem carrier is received from an analog modem (see figure 3, computer 23, PC 23 should be included a analog modem).

**Regarding claim 29**, Parsa further teaches the modem carrier is received from a digital modem (see figure 5, transceiver).

**Regarding claim 30**, after combination, Parsa further teaches the measuring of the signal level of the mobile transceiver received at the based station comprises making a measurement at a beginning of a data communication segment of each call (see col.9, ln.58-67, col.10, ln.9-27), and Strawczynski further teaches land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

**Regarding claim 31**, Parsa teaches a system for controlling a signal level of a mobile transceiver comprising (see figure 3):

mobile transceiver (see figure 3, mobile 15);

determining, at the base station, a measurement of the signal level of the mobile transceiver received at the base station during the call (see col.9, ln.58-67, col.10, ln.1-8, col.11, ln.65-67, col.12, ln.1-3);

responsive to the measurement, sending a signal level instruction from the base station to the mobile transceiver (see col.9, ln.58-67, col.10, ln.1-8, col.11, ln.65-67, col.12, ln.1-3); and

the mobile transceiver adjusting the signal level of the mobile transceiver responsive to the signal level instruction (see col.9, ln.58-67, col.10, ln.1-8, col.11, ln.65-67, col.12, ln.1-3).

It should be noticed that Parsa fails to teach connecting a call between the mobile transceiver and a land-base station, wherein the call connects through a mobile communication network and a land-based calling network, and land-based station adjust the power output of the transmitter. However, Strawczynski teaches connecting a call between the mobile transceiver and a land-base station (see figure 1, mobile terminal, landline 130), wherein the call connects through a mobile communication network (see figure 1, MSC 110) and a land-based calling network (see figure 1, PSTN 130), and land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Strawczynski into view of Parsa in order to reduce the cost of base station and make the base station handle less work.

**Regarding claim 32**, after combination, Parsa further teaches generating a first modem carrier signal from the base station after the connecting of the call, and generating a second modem carrier signal from the mobile transceiver in response to the first modem carrier signal, wherein the signal level of the mobile transceiver represents the second modem carrier signal received the based station (see col.9, ln.58-67, col.10, ln.1-29), and Strawczynski further teaches land-based station adjust

the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

**Regarding claim 33**, Parsa further teaches the second modem carrier signal level is adjusted more than one time during the call (see col.9, ln.58-67, col.10, ln.9-27).

**Regarding claims 34 and 36**, after combination, Parsa further teaches the measuring of the signal level of the mobile transceiver received at the based station comprises making a measurement at a beginning of a data communication segment of each call (see col.9, ln.58-67, col.10, ln.9-27), and Strawczynski further teaches land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

**Regarding claim 35**, after combination, Parsa further teaches the measuring of the signal level of the mobile transceiver received at the based station comprises making a single measurement at a beginning of a data communication segment of the call (see col.6, ln.47-67), and Strawczynski further teaches land-based station adjust the power output of the transmitter (controller system can be install at PSTN, col.3, ln.47-67, col.4, ln.18-20).

**Regarding claim 37**, Strawczynski further teaches a data mode and voice mode, wherein the mobile transceiver switches between the data mode and the voice mode during the call (col.5, ln.47-63, col.6, ln.49-67).

**Regarding claim 38**, Parsa further teaches the modem carrier is received from an analog modem (see figure 3, computer 23, PC 23 should be included a analog modem).



**Regarding claim 39**, Parsa further teaches the modem carrier is received from a digital modem (see figure 5, transceiver).

### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Art Unit 2643  
December 3, 2005  
Examiner

Tuan Pham

  
**CURTIS KUNTZ**  
**PATENT EXAMINER**  
**CENTER 2600**